IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.727 OF 2001

Shri Pravin K. Shah & Ors. ...Appellants
Vs.
Government of Maharashtra & Ors. ...Respondents

Shri Ram Singh for the Appellants.
Shri S.N. Gawade, A.G.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : JULY 31, 2006.

P.C.:

1. After perusing the various orders which are passed in this Appeal, it is obvious that Appeal survives only so far as the Appellant No.8 is concerned. The order dated 02nd May, 2006 records that Appeal is dismissed for want of prosecution as against the Appellant Nos.1 to 7, 9 to 11, 13 and 14 and Appeal stands abated in so far as the Appellant No.12 is concerned. No proceedings are taken out for setting aside order dated 02nd May, 2006.

2. Heard the learned Advocate appearing for the Appellant No.8. The challenge in the suit is to the acquisition proceedings initiated under the provisions of the Land Acquisition Act, 1894 read with the Maharashtra Regional and Town Planning Act, 1966. The substantive prayer is for declaration that the

acquisition proceedings are invalid and bad in law. The second prayer is for declaration regarding notice issued of the acquisition of the suit property. The other prayers are for consequential reliefs. By the impugned judgment and order, the learned Judge of the City Civil Court held that the Civil Court had no jurisdiction to entertain the suit where challenge was to acquisition proceedings.

3. It is well settled law which can be found in the decisions reported in **AIR 1995 Supreme Court Page 1955 (State of Bihar Vs. Dhirendra Kumar & Ors) and AIR 1999 Supreme Court Page 2076 (S.P.Subramanya Shetty & Ors. Vs. Karnataka State Road Transport Corporation)** that jurisdiction of Civil Court is barred in so far as the challenge to the acquisition proceedings is concerned. In view of the settled position of law, no fault can be found with the impugned judgment and order. Appeal is dismissed. No orders as to costs.

JUDGE